

## REMARKS

This application has been reviewed in light of the Office Action dated March 18, 2008. Claims 1, 3-8 and 10 are presented for examination, of which Claims 1, 5 and 10 are in independent form. Claims 1, 3-5, 7, 8 and 10 have been amended to define still more clearly what Applicant regards as his invention. Claims 2, 9 and 11-13 have been cancelled without prejudice or disclaimer of subject matter, and will not be mentioned further. Favorable reconsideration is requested.

Claim 10 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter, specifically, functional descriptive material not claimed as residing on a computer-readable medium. Since Claim 10 is directed to a computer-readable medium storing a program that causes a computer to perform the stated method, Applicant submits that Claim 10 does comply with the requirements of Section 101, and withdrawal of this rejection is therefore respectfully requested.

Claims 1, 3-5, 7, 8 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication 2002/0145744 (Kumada et al.), and Claim 6 was rejected under 35 U.S.C. § 103(a) as being obvious from that document.

Independent Claim 1 is directed to an image data processing apparatus for processing image data to be printed that comprises a print-quality acquisition unit adapted to acquire information relating to print quality which is instructed by a user, and a selection unit, adapted to select a combination of a color space and bit precision, based upon the acquired information relating to print quality. The apparatus also is provided with a conversion unit, adapted to convert the input image data to the selected color space and bit precision, a correction unit, adapted to correct the converted image data, and an output unit

adapted to output the corrected image data to a printer. Claim 1 also recites that the printer forms, based on the acquired information relating to print quality, image on a printing medium.

Among other notable features of an apparatus constructed according to Claim 1, therefore, is that a combination of a color space and bit precision is selected based upon user's instruction regarding print quality, and input image data is converted to the selected color space and bit precision.

With such an apparatus, a combination of color space and bit precision corresponding to the print quality instructed by a user is automatically selected. For example, if a user instructs "high quality", a combination of color space and bit precision for forming a high-quality image is selected, while if a user instructs "low quality", a combination of color space and bit precision for forming an image at high speed is selected.

*Kumada* relates to a system in which, as shown in Figs. 24 and 25, a profile for converting image data from device dependent color space to device independent color space is generated based on a user's instruction. In the *Kumada* system, however, a processing condition instructed by a user on the dialog in Figs. 24 and 25 is used for generating a profile, and has no relation with a print instruction. Applicant submits that nothing has been pointed out in *Kumada* that would disclose or in any suggest that a combination of a color space and bit precision is selected based upon a user's instruction for print quality.

For at least that reason, Applicant submits that Claim 1 is allowable over *Kumada*.

Independent Claims 5 and 10 are method and computer memory medium claims, respectively, corresponding to apparatus Claim 1, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 1.

A review of the other art of record, including *Nishio*, has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or the other of independent Claims 1 and 5, discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and allowance of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Leonard P Diana/  
Leonard P. Diana  
Attorney for Applicant  
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200